



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,931	12/04/2003	Elizabeth M. Comstock	199-0174US-D	6977

29855 7590 10/04/2005

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
P.C.  
20333 SH 249  
SUITE 600  
HOUSTON, TX 77070

EXAMINER
----------

VU, VIET DUY

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,931

Applicant(s)

COMSTOCK ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2154

**Non-Art Rejections:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following language lacks proper antecedent basis:

In claim 15, line 2, "the capability manager".

**Art Rejections:**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the

Art Unit: 2154

United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-9, 11-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Memhard, U.S. pat. No. 6,201,859.

Per claims 1-2 and 5, Memhard discloses a multimedia conferencing comprising:

a) a plurality of media displays (322, fig. 3) at the end points,

b) a multipoint controller unit (MCU) having a plurality of output switches, each output switch receiving one or more media outputs from one or more sources (other end points), each output switch responsive to an output control signal for selecting one or more of the one or more media outputs to output as switched outputs, thereby providing one or more switched outputs to the media display (see col 3, lines 50-61 and col 4, lines 11-34),

c) a policy manager, the policy manager applying a predetermined policy to generate the output control signal, and the policy manager providing the output control signal to the MCU, whereby

the media display is controlled according to the predetermined policy (see col 8, lines 4-38).

Per claim 3, it is noted that each port on the MCU provides both output switches and source switches for selecting one or more media sources for delivering to the end points (see col 4, lines 11-34).

Per claims 4 and 6, Memhard teaches providing different conferencing modes including content policy, e.g., voice activated, and people policy, e.g., token or chaired control (see col 8, line 57 - col 9, line 22).

Per claims 7-8, Memhard teaches providing software at the end points to implement different conferencing mode/policy (see col 20, lines 4-22).

Per claims 9, 11-13, 15 and 17, Memhard further discloses a network interface for coupling and negotiating communications between the conferencing devices in a conference (see col 5, lines 55-65).

Per claim 16, Memhard also teaches passing tokens, i.e., changing roles, among conference participants (see col 19, lines 44-56).

Art Unit: 2154

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 10, 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memhard and further in view of Rothrock, U.S. pat. No. 5,748,618.

Per claims 10 and 18-19, Memhard does not teach multilevel arbitration in the conference. Such multilevel arbitration is well known in the art as disclosed by Rothrock (see col 4, line 37 - col 5, line 7). Particularly, Rothrock provides multilevel roles or arbiters labeled by unique IDs for allowing data

Art Unit: 2154

objects at independent sub-trees of the data object hierarchy to be accessed simultaneously (see col 6, line 35 -col 7, line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Memhard with Rothrock because it would have allowed performing multilevel arbitration in Memhard.

Per claim 14, it is noted that in the conventional tree structure, an arbiter assumes control over other dependent lower level, e.g., leaf node (see col 7, lines 61-65).

**Conclusion:**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Art Unit: 2154

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
9/29/05